

Appl. No. 09/926694
Amdt. dated July 10, 2003
Response to Office Action of April 10, 2003

Remarks/Arguments:

In the office action of April 10, 2003, the examiner finally rejected claims 8 - 10 as obvious over applicant's disclosure at page 1, second full paragraph in view of U.S. Patents 4732800 and 5827579 to Groshens and further in view of JP 58-040172. The examiner also rejected the claims as indefinite for their use of the term "film" to describe the material on which the adhesive is placed. We have replaced the term "film" in the claims with "substrate", a term originally appearing at page 1, second full paragraph, for example. We believe this change should overcome the section 112 rejection.

The prior art rejection is respectfully traversed, for reasons set out below.

The examiner has pointed out that the admitted prior art he identified is at page 1, second full paragraph, rather than third. The confusion is regretted, and we are taking this opportunity to address the AAPA identified by the examiner.

The disclosure, at page 1, second full paragraph, admits that it is known to deposit a point-like surface coating of an adhesive on a surface of a substrate, and then to laminate the substrate with a sheet of textile material, whereupon the sheet is connected to the substrate by the adhesive dots. It is admitted that such sheet formations can be used as breathing-textiles.

In this admitted prior art, there is no disclosure of a substrate which is connected with adhesive dots on two surfaces for subsequent formation of a laminate of three layers. The problem with coating both sides of a substrate with adhesive dots is that if the adhesive dot patterns on both sides are not coordinated, they can completely block the passage of air through the laminate and defeat the function of breathability.

The two Groshens patents are directed to interlinings and their manufacture. The problem underlying the Groshens patents was that on laminating the interlining to a part of a cloth the applied adhesive usually penetrated the web-like material of the of the

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interlinings and created a disadvantageous design or feeling. In order to avoid these disadvantages, Groshens applied a non-adhesive material to the opposite side of the web-like material which carries the adhesive. This non-adhesive layer is capable of blocking or shielding the adhesive from penetrating the substrate. See, for example, col. 3, lines 64 - 66 of Groshens '800: "the less heat-fusible layer 6 consists of a non-stick substance" or in '479, col. 3, lines 45 - 45: "the second layer 7 acts as a barrier or a shield with respect to the first layer 5" and column 4, line 31: "the second layer 7 includes an anti-adhesive". Thus, the Groshens patents do not disclose applying adhesive material on *both* surfaces of the substrate; they teach only the manufacture of a two-layer laminate.

In summary: the admitted prior art does not teach one to apply adhesive material on both surfaces; the Groshens patents teach only to apply one adhesive layer to one surface of a cloth which is susceptible to adhesive penetration, and to apply a non-adhesive surface coating to the second surface of the cloth; and the Groshens patents teach one to provide a two-layer structure.

Claim 8 is thus deemed not obvious from the disclosure in the specification in view of the Groshens patents.

The Japanese reference discloses coating both sides of a substrate with a paste-like material. According to the drawing, the paste-like material is arranged randomly on both surface sides.

A skilled person would not have been led by the references to provide a water impermeable, air permeable layer having a partial adhesive coating on both surfaces, wherein the adhesive surface coating on the one side of the substrate is at least partially aligned with the adhesive surface coating on the second side, so that the film has areas which are coating on both surfaces and areas which are uncoated on both surfaces.

With respect to claim 10, the claimed three-ply laminate contains as a middle

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layer an air permeable, water impermeable functional layer as recited in claim 8.
We respectfully submit that claim 10 would be allowable even if claim 8 were not;
however, we believe all the claims now presented are allowable over the prior art.



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